

United States Bankruptcy Court

For the NORTHERN District of IOWA

Chapter 11

IN RE:

DONALD A. CORY and
MARDELL C. CORY,

Debtors.

Case No. X87-00352F

FILED
U.S. BANKRUPTCY COURT S.D.
NORTHERN DISTRICT OF IOWA

MAR - 8 1989

BARBARA A. EVERLY, CLERK

JUDGMENT

☒ This proceeding having come on for trial or hearing before the court, the Honorable William L. Edmonds, United States Bankruptcy Judge, presiding, and the issues having been duly tried or heard and a decision having been rendered,

[OR]

☐ The issues of this proceeding having been duly considered by the Honorable William L. Edmonds, United States Bankruptcy Judge, and a decision having been reached without trial or hearing.

IT IS ORDERED AND ADJUDGED:

that Federal Land Bank's motion for sanctions is granted and that George R. Remer be and the same is hereby ordered to pay Federal Land Bank of Omaha the sum of \$593.75.

Vol. II
Page 118

copies mailed with Order
3/8/89, *LM*



BARBARA A. EVERLY
Clerk of Bankruptcy Court

[Seal of the U.S. Bankruptcy Court]

Date of issuance: 3-8-89

By: *Larisa McElhenny*
Deputy Clerk

FILED
U.S. BANKRUPTCY COURT S.D.
NORTHERN DISTRICT OF IOWA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

MAR - 8 1989

BARBARA A. EVERLY, CLERK

IN RE:

DONALD A. CORY and
MARDELL C. CORY,

Debtors.

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Chapter 11

Bankruptcy No. X87-0352F

00352A

MEMORANDUM DECISION AND ORDER RE SANCTIONS

The matter before the court is a request by Federal Land Bank of Omaha (FLB) that sanctions be imposed against attorney George Remer. A hearing on the motion was held in Fort Dodge, Iowa on February 16, 1989.

The court now states its findings of fact and conclusions of law pursuant to Bankr. R. 7052. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

FINDINGS OF FACT

1. Donald Aaron Cory and Mardell Chrystell Cory, husband and wife, filed their joint voluntary petition under chapter 11 of the Bankruptcy Code on February 13, 1987. The attorney of record for the Corys at the time of the filing was George R. Remer (REMER).

2. FLB, one of the Corys' creditors, filed a motion to dismiss the case on April 29, 1987. On April 7, 1987, FLB filed a motion for relief from automatic stay. A stipulated order for adequate protection was entered July 1, 1987. By order of the Honorable Michael J. Melloy filed October 16, 1987, the motion to dismiss was to be set for hearing with a confirmation hearing on debtors' proposed plan of reorganization.

3. On September 29, 1987, Remer filed a disclosure statement and plan of reorganization on behalf of the debtors. Remer did not draft either the plan or disclosure statement. On November 4, FLB filed a rejection of the chapter 11 plan and a request that sanctions be ordered against Corys and Remer. FLB objected to the plan of reorganization for the following reasons:

- A. The treatment of Federal Land Bank's secured claim, which is denominated as a Class 3 claim, as set forth in paragraph 7.03 of the . . . Debtors' Plan of Reorganization, as filed, fails to treat the fair and reasonable market value of the security which Federal Land Bank holds for its allowed secured claim.
- B. The interest rate, as proposed, in the amount of 10% per annum is unsatisfactory and below market rate.
- C. The repayment term of thirty (30) years for said secured claim is excessive and does not offer adequate protection to said Creditor for further decline in the value of its security.

Additionally, FLB objected to the treatment of its unsecured claim for the following reasons:

- A. The amount of the unsecured claim is ludicrous, as set forth by the Debtors, in the amount of \$3,013.54. Federal Land Bank herein has previously filed two claims in the amounts of \$313,388.75 and \$109,131.82, reflecting the total indebtedness of these Debtors with Federal Land Bank as of the date of the filing of said Debtors' Chapter 11 Bankruptcy (February 13, 1987).
- B. The repayment term of ten (10) years is excessive, and the interest rate of 7% for said unsecured claim (Class 4 claim) is unsatisfactory and does not provide to Federal Land Bank the equivalent of what Federal Land Bank would receive under a liquidation or Chapter 7 proceeding.

4. The request filed by FLB on November 4, 1987 sought sanctions against the debtors and attorney Remer for the following

reasons:

2. The activities of these Debtors and their counsel have been designed solely to hinder. (sic) delay, and impair Creditor from lawfully prosecuting its rights to proceed against its collateral in partial satisfaction of the indebtedness owed by these Debtors to Creditor.
3. The Plan as filed by these Debtors is a sham and cannot be consummated, or confirmed, and does not propose to treat Creditor in any way, shape, or form as the equivalent of a liquidation of Chapter 7 Bankruptcy, which Creditor is entitled to receive.

5. The U. S. Trustee filed an objection to the debtors's disclosure statement on November 23, 1987 claiming that the disclosure statement failed to contain "adequate information" as defined by Bankruptcy Code § 1125(a)(1) and as required by Bankruptcy Code § 1125(b).

6. On January 12, 1988, the Honorable Michael J. Melloy issued an order denying approval of the debtors' disclosure statement and ordering the debtors to file a new plan and disclosure statement on or before February 12, 1988.

7. An amended disclosure statement and an amended chapter 11 plan were filed by Remer on behalf of the debtors on February 8, 1988. These were prepared by Remer. The amended chapter 11 plan was not signed by Remer, but a signed copy of the First Amended Chapter 11 Plan was filed on February 19, 1988.

8. FLB filed an objection to the First Amended Chapter 11 Plan and a request for sanctions on February 29, 1988. FLB's objection to the treatment of its secured claim was virtually identical to the objections it filed to the original plan. FLB

also objected to the debtors' proposal to pay unsecured creditors "nothing." FLB's request for sanctions was identical to its request addressed to the court after the initial plan.

9. The U. S. Trustee filed an objection to the adequacy of the debtors' first amended disclosure statement. Among the many objections of the U. S. Trustee was the failure of debtors to provide a liquidation analysis. Additionally, the U. S. Trustee stated that "objection is made that the plan has not been made to appear feasible."

10. A hearing was held on the adequacy of the amended disclosure statement on May 12, 1988 in Fort Dodge, Iowa. The undersigned denied approval of the amended disclosure statement and gave debtors to June 15, 1988 to further amend.

11. On June 14, 1988, the debtors contacted the bankruptcy court clerk by letter requesting that their chapter 11 case be dismissed without prejudice. Debtors stated that they did not oppose FLB's pending motion to dismiss but alternatively asked that their letter be considered a motion to dismiss. The letter contained the following concluding paragraph:

"Further be advised of our dismissal of George Remer as council (sic) and our desire that future correspondence be directed to us personally at our address of record."

On June 15, 1988, the U. S. Trustee filed a motion to dismiss the case.

12. Hearing on the motions for dismissal was held on August 18, 1988 in Fort Dodge, Iowa. Neither the Corys nor anyone appeared on their behalf. George Remer did not appear. At the

hearing, FLB requested the court to dismiss the case but to retain jurisdiction of its motion for sanctions against attorney Remer. FLB withdrew its motion for sanctions against the debtors. On August 19, 1988, the court entered its order dismissing the Corys' case but retaining jurisdiction of FLB's motion for sanctions against Remer.

13. On August 19, 1988, the court set October 26, 1988 as the hearing date for FLB's request for sanctions. On October 19, 1988, Remer filed a request that the undersigned judge disqualify himself; a motion for continuance; a motion to dismiss the sanction request; and a conditional motion to recall reference. A continuance of the hearing on sanctions was ordered. On December 15, 1988, an order was entered denying Remer's motion to disqualify and the motion to dismiss. The conditional motion to recall reference was by that time moot.

14. FLB's attorney, Thomas Burke, filed with the court on February 16, 1989 an affidavit regarding the attorneys' fees and expenses incurred by the Federal Land Bank in this chapter 11 bankruptcy proceeding. The affidavit indicates that the total of all attorneys' fees and expenses incurred by FLB in retaining and being represented by counsel in this bankruptcy case is \$8,143.66.

15. On the date of the filing of the chapter 11 petition, there was a pending foreclosure action in the Guthrie County, Iowa District Court. Prior to the filing of the bankruptcy petition, the debtors had executed a promissory note in favor of FLB in the sum of \$110,000.00. As security for the promissory note, the

debtors granted to FLB a mortgage upon real property located in Guthrie County, Iowa. The lien was perfected by recording in the office of the Guthrie County Recorder.

16. The debtors stated in their bankruptcy schedules that the total claims of secured creditors were \$475,346.44 (Schedule A-2.) The unsecured claims totaled \$5,437.55 (Schedule A-3). The debtors also stated that they owed taxes in the amount of \$23,374.00 (Schedule A-1). The total of all debts listed on the schedules was \$503,622.28. The total value of assets listed on the debtors' schedules was \$145,108.14 (Schedule B).

17. The initial plan of reorganization filed on September 29, 1987 provided for a 1% dividend to unsecured creditors. The amended chapter 11 plan filed on February 8, 1988 provided that the unsecured creditors would be paid no dividend.

18. Sometime around May, 1988, the debtors began negotiating with FLB pursuant to the Agricultural Credit Act of 1987. It appears that George Remer was no longer involved in this bankruptcy case after May, 1988.

DISCUSSION

I.

The Eighth Circuit Court of Appeals has held that the bankruptcy court has jurisdiction to assess attorney fees as sanctions against attorneys pursuant to Bankr. R. 9011. Brown v. Mitchell (In re Arkansas Communities, Inc.), 827 F.2d 1219, 1222 (8th Cir. 1987).

Bankr. R. 9011(a) provides in part:

. . . The signature of an attorney or a party constitutes a certificate that the attorney or party has read the document; that to the best of the attorneys' or parties' knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of the existing law; and it is not interposed for any improper purpose, such as to harass, to cause delay, or to increase the cost of litigation. . . . If a document is signed in violation of this rule, the court on motion or on its own initiative, shall impose on the person who signed it, the represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the document, including the reasonable attorney's fee.

Bankr. R. 9011(a) tracks F.R.C.P. 11. "The purpose of both rules is to discourage vexatious, bad faith litigation." In re Eberle, slip op. 85-2625-C (Bankr. S.D. Iowa, April 25, 1986); citing Cinema Service Corp. v. Edbee Corp., 774 F.2d 584, 585 (3rd Cir. 1985); In re TCI, Ltd., 769 F.2d 441, 445 (7th Cir. 1985).

The Fifth Circuit Court of Appeals has set forth four elements to consider in determining whether sanctions are warranted:

1. Whether reasonable inquiry into the facts was made;
2. Whether reasonable inquiry into the law was made;
3. Whether the action was taken to harass, delay or increase unnecessarily cost of litigation;
4. Whether an attorney has met his or her continuing obligation to reevaluate his or her litigation position.

Thomas v. Capital Security Services, Inc., 812 F.2d 984, 989 (5th Cir. 1987).

FLB claims that the activities of attorney Remer have been

designed solely to hinder, delay, and impair it from lawfully prosecuting its rights and from proceeding against its collateral. FLB claims that the first amended chapter 11 plan filed by the debtors "is a sham and cannot be consummated, or confirmed, and does not propose to treat creditor in any way, shape or form as the equivalent of a liquidation or chapter 7 bankruptcy, which creditor is entitled to receive." FLB claims that these activities rise to the level of sanctionable activities and therefore requests the court to award the attorney fees it has incurred as a result of this chapter 11 case.

11.

At the time of the filing of the chapter 11 petition, the debtors' property located in Guthrie County, Iowa was the subject of a foreclosure proceeding brought by FLB. The filing of the chapter 11 petition operated as a stay against any further proceedings regarding the state foreclosure action. FLB contends that the only purpose of filing the chapter 11 petition was to hinder or delay the foreclosure action and subsequent repossession by FLB.

The filing of a petition under the Bankruptcy Code solely to stop a secured creditor's foreclosure action is an abuse of the Bankruptcy Code and sanctions may be imposed. See In re French Gardens, Ltd., 58 B.R. 959, 964 (Bankr. S.D. Tex. 1986); In re Gary, 38 B.R. 675 (Bankr. D. Md. 1984); In re Johnson, 24 B.R. 832 (Bankr. E.D. Pa. 1982). However, the filing of a bankruptcy petition prior to or immediately following the initiation of a

foreclosure proceeding is not in and of itself sufficient indication of a bad faith filing. See In re Lange, 75 B.R. 154, 157 (Bankr. N.D. Ohio 1987).

In this case, the debtors' chapter 11 petition was filed following the initiation of a state foreclosure action by FLB. The filing of the chapter 11 petition created an automatic stay against any further state court foreclosure proceedings. The automatic stay contained in 11 U.S.C. § 362(a) is intended to provide a breathing spell to the debtor. However, the protection of the automatic stay is not "per se a valid justification for a chapter 11 filing; rather, it is a consequential benefit of an otherwise good faith filing." In re HBA East, Inc., 87 B.R. 248, 262 (Bankr. E.D. N.Y. 1988).

Debtors and FLB, after the filing, were able to work out an agreement by which debtors would farm the mortgaged ground and in return would pay FLB adequate protection. Debtors apparently made these payments.

FLB has failed to show that the debtors filed their chapter 11 petition for the sole purpose of hindering or delaying FLB from foreclosing on its secured property. FLB has not shown that the debtors or their attorney were not attempting reorganization of the farming enterprise.

III.

Additionally, FLB argues that the chapter 11 plan was not filed in good faith. FLB argues that there was no reasonable

expectation of a successful reorganization in this case. At the hearing on sanctions, FLB noted that the schedules and statement of affairs filed by the debtors indicated that the debt-to-asset ratio was in excess of 3 to 1. FLB's counsel noted that a debt-to-asset ratio in excess of 1 to 1 makes it almost impossible for a successful reorganization.

FLB contends that if due diligence had been exercised on the part of attorney Remer, a chapter 11 petition would never have been filed. FLB believes that the chapter 11 plan and the amended chapter 11 plan were both shams and were unconfirmable.

The court has examined the initial plan and disclosure statement and from that examination and a review of the case file cannot conclude that the plan was filed in bad faith or for purposes of delay.

The court cannot reach the same conclusion as to the first amended chapter 11 plan and the first amended disclosure statement.

Several factors indicate to this court that the first amended plan and disclosure statement were filed with intent to delay FLB through a delay of the case.

The initial disclosure statement was not drafted by Remer but instead was drafted by Paul Bielenberg. A hearing on the initial disclosure statement and objections thereto was held January 7, 1988. Neither the debtors nor the debtors' counsel appeared at that hearing. Following a review of the disclosure statement and plan and the arguments of objecting creditors, the Honorable Michael J. Melloy denied approval of the disclosure statement. In

his January 12, 1988 order, Judge Melloy allowed debtors to and including February 12, 1988 to file a new plan and disclosure statement.

The order contained the following concluding language:

"[I]f a motion for extension of time is not filed by February 12, 1988, or an amended plan and disclosure statement are not on file by that date, this case will be dismissed without further notice or hearing."

Debtors were, therefore, under time pressure to submit an amended plan and disclosure statement or face dismissal. The amended disclosure statement was filed February 8, 1988 and the amended plan was filed February 8, 1988 without signature. An executed amended plan was refiled on February 19, 1988.

There were significant differences between the initial plan and the amended plan. Most pertinent is the difference in the treatment of FLB. The initial plan treated FLB's secured claim as having a value of \$91,000 which debtors proposed to amortize over a 30-year period at 10% interest per annum. The balance of FLB's claim was to be treated as unsecured and under that treatment, FLB was to receive 1% of its unsecured claim which dividend was to be paid over ten years at 7% per annum. Other unsecured creditors treated by the debtors were to receive 1% on the day of confirmation.

Based on debtors' own statements in the initial plan and disclosure statement, FLB held the bulk of the unsecured claims in this bankruptcy case. The original plan, however, proposed to separate FLB from other unsecured creditors (classes 4 and 5 respectively) for purposes of voting in confirmation.

Rather than object to the disclosure statement, FLB determined instead to object to the plan and request sanctions.

The first amended plan increased the secured claim treatment of FLB from \$91,000 to \$112,149.05 which claim was to be paid over 27 years at the rate of 10% interest. It also provided, however, that all unsecured claims would receive no dividend.

The court does not propose in this decision to make detailed findings and conclusions with regard to the confirmability of the first amended plan. Suffice it to say that without the cooperation of FLB, it would have been highly unlikely that the first amended plan would have been confirmed.

There is no evidence that the debtors either individually or through attorney Remer made any effort to negotiate the plan change with FLB despite its prior objection to the initial plan. Yet the treatment of FLB in the first amended plan could be said to be only marginally better.

Moreover, the filing of the first amended disclosure statement leads this court to believe that the attorney for the debtors filed it only for the purpose of delay. It was not as well prepared as the initial disclosure statement drafted by Bielenberg. Its deficiencies are glaring. Certain basic ingredients were totally ignored. It is not necessary to nitpick to arrive at the conclusion that the first amended disclosure statement was wholly unsatisfactory. It omitted the following: an estimate of administrative expenses; a description of the activities or successes and failures of the debtors while in chapter 11; a listing of assets

and liabilities with their estimated values along with a chapter 7 liquidation analysis; and cash flows which might have substantiated or supported the ability of the debtors to perform the proposed plan of reorganization.

This court believes that a debtors' attorney seriously concerned with moving a reorganization case along could not have believed that the first amended disclosure statement filed February 8, 1988 was adequate or would be approved.

At the hearing on sanctions, Remer advised the court of the substantial number of reorganization cases in which he has represented debtors. He should have known that the amended disclosure statement was woefully inadequate.

From an examination of this file, this court cannot believe that attorney Remer filed the first amended plan or the first amended disclosure statement with any thought that the disclosure statement was adequate or that FLB would willingly go along with the plan.

Bankr. R. 9011 imposes an affirmative duty on an attorney not to file a petition for an improper purpose. An attorney is required to conduct a reasonable inquiry into the viability of a plan before it is signed. In re French Gardens, Ltd., 58 B.R. 959, 964 (Bankr. S.D. Tex. 1986).

The filing of the first amended plan and disclosure statement, in this court's view, was done to postpone any day of reckoning between Corys and FLB. This court believes it was submitted merely to avoid a dismissal of the case, not with a view toward moving

toward confirmation of a plan.

This court, therefore, believes that sanctions under Bankr. R. 9011 are warranted.

While it is the duty of the court under Bankr. 9011 to assess sanctions in this case, it also has the discretion to "tailor sanctions" to the particular situation before it. In re Haardt, 77 B.R. 476, 482 (Bankr. E.D. Pa. 1987).

FLB seeks a sanction against Remer which would provide it a return of all its legal fees in the case (\$8,142.66).

The court, however, has not found that all actions of Remer in filing and prosecuting this bankruptcy case are violations of Bankr. R. 9011.

The court has examined the affidavit of legal services introduced into evidence as part of the record and believes only part of these legal fees were expended in necessarily dealing with the amended plan and disclosure statement. In examining the entries from February 5, 1988 through May 12, 1988, the day of the hearing on the first amended disclosure statement, one sees that approximately 21 hours were spent studying, discussing, reviewing and resisting the amended plan and disclosure statement. These were charged to FLB at the rate of approximately \$95 per hour less a 10% discount.

The court, however, believes that the time spent was in excess of what was reasonably necessary in dealing with the amended plan and disclosure statement.

It is not the court's responsibility to allow all fees

requested in resisting litigation, the initiation of which violates Bankr. R. 9011. See In re Haardt, 77 B.R. 476, 482-483 (Bankr. E.D. Pa. 1987).

This court instead will allow what is reasonable.

The first amended plan and disclosure statement could have been read, discussed with the client, and resisted in a total of 2.50 hours. This is especially true where it appears as though the creditor filed substantially the same objection to the plan and request for sanctions that it directed to the initial plan and disclosure statement.

Further, a one-half hour review prior to the May 12, 1988 hearing date should have been sufficient. It is also reasonable that two hours be allowed for meeting with the client at the courthouse and participating in the hearing.

The court, therefore, will allow five hours at the rate of \$95.00 per hour reduced by the 10% discount for a total of \$427.50. Travel time from Des Moines to Fort Dodge and return will be allowed in the amount of 3.50 times \$47.50 per hour unreduced by any discount. The allowance for travel will be \$166.25.

The court, therefore, will award sanctions against George Remer and in favor of FLB in the sum of \$593.75. The court believes that in this case the sanction will serve both the compensatory and deterrent purposes of Bankr. R. 9011.

IT IS THEREFORE ORDERED that FLB's motion for sanctions is granted and that George R. Remer be and the same is hereby ordered to pay to Federal Land Bank of Omaha the sum of \$593.75. Judgment

shall enter accordingly.

SO ORDERED ON THIS 8th DAY OF MARCH, 1989.


William L. Edmonds, Bankruptcy Judge

cc: George Remer,
Atty. for debtors
Thomas H. Burke,
Atty. for FLB
U. S. Trustee
on 3/8/89, *LM*

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

APR 24 1989

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

BARBARA A. EVERLY, CLERK

IN RE:	:	CASE NO. X-87-00352-F
	:	(Chapter 11)
DONALD AARON CORY and	:	
MARDELL CHRYSTELL CORY,	:	
	:	PRAECIPE FOR EXECUTION
Debtors.	:	AND LEVY

TO: CLERK, UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN
DISTRICT OF IOWA

Please issue a Writ of Execution to the Sheriff of Shelby County, Iowa, for levy upon and sale or assignment of all rights, title and/or interest of George R. Remer in certain personalty more particularly described as a chose in action, which action is in the Iowa District Court for Shelby County and captioned as follows:

George R. Remer, Plaintiff, The Federal Land Bank of Omaha, Brad Rohlfson, Rodney P. Kubat and Whitfield, Musgrave, Selvy, Kelly & Eddy, a/k/a Whitfield, Musgrave & Eddy Law Firm, Defendants, Law No. 16271.

The Writ of Execution is to be issued pursuant to § 626.21, Code of Iowa (1987) and related statutes and rules of procedure of the State of Iowa for executions, as well as pursuant to Bankruptcy Rules 7064, 7069, and 9014, and pursuant to a judgment entered in the action herein, on March 8, 1989, pursuant to the Memorandum Decision and Order regarding sanctions by the Honorable William L. Edmonds, U.S. Bankruptcy

Judge, against George R. Remer in the amount of \$593.75 in favor of Federal Land Bank of Omaha, n/k/a Farm Credit Bank of Omaha.

WHITEFIELD, MUSGRAVE & EDDY
1300 First Interstate Bank Bldg.
Des Moines, Iowa 50309
Telephone: (515) 288-6041

By: Thomas H. Burke
Thomas H. Burke

ATTORNEYS FOR CREDITOR, FEDERAL
LAND BANK OF OMAHA

Recorded Vol II
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Copy to
Filing Attorney
this April 27, 1989

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:	:	CASE NO. X-87-00352-F
	:	(Chapter 11)
DONALD AARON CORY and	:	
MARDELL CHRYSTELL CORY,	:	
	:	
Debtors.	:	

WRIT OF EXECUTION

TO: SHERIFF OF SHELBY COUNTY, IOWA

On the 8th day of March, 1989, a judgment was rendered in this action that Federal Land Bank of Omaha, n/k/a Farm Credit Bank of Omaha, shall recover from George R. Remer, the sum of \$593.75. The judgment was duly entered and docketed in the records of the Clerk of this Court on the 8th day of March, 1989, but no part of the judgment, interest thereon, or cost has been paid or satisfied.

Therefore, you are hereby commanded to levy, without delay, upon the personal property of the Defendant, George R. Remer, as described below, and expose such property to execution sale to ensure enforcement of the judgment as is necessary to satisfy the judgment in the amount of \$593.75, accrued interest thereon, costs of suit, and your execution cost and expenses. Property for which levy and sale or assignment should be had is described as follows:

All rights, title and/or interest of George R. Remer in certain personalty more particularly described as a chose in action, which action is in the Iowa District Court for Shelby County and captioned as: George R. Remer, Plaintiff, The Federal Land Bank of Omaha, Brad Rohflson, Rodney P. Kubat and Whitfield, Musgrave, Selvy, Kelly & Eddy, a/k/a Whitfield, Musgrave & Eddy Law Firm, Defendants, Law No. 16271. See also attached Praeceptum for Execution and Levy.

If such property is insufficient to satisfy the aforementioned amounts due from the Defendant, George R. Remer, you are further commanded to subject to execution sale sufficient of the Defendant's other nonexempt personal property situated in your jurisdiction as may be necessary to satisfy the remaining balance, and if such personal property is insufficient, then you are commanded to satisfy any final balance by levy on and sale of sufficient of the Defendant's remaining nonexempt real property situated within your jurisdiction.

You are further commanded to return this Writ with endorsement thereon showing the manner of your compliance with its terms, together with proceeds from the execution sale or sales, by 70 days from the date hereof.



BARBARA A. EVERLY
CLERK OF BANKRUPTCY COURT

By: *Marion A. Galay*
Deputy Clerk

Seal of the U.S. Bankruptcy Court
Date of issuance: April 27, 1989

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JUN 21 1989

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

BARBARA A. EVERLY, CLERK

IN RE: : CASE NO. X-87-00352-F
: (Chapter 11)
DONALD AARON CORY and :
MARDELL CHRYSTELL CORY, :
: Debtors. :
:

WRIT OF EXECUTION

TO: SHERIFF OF SHELBY COUNTY, IOWA

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BARBARA A. EVERLY
CLERK OF BANKRUPTCY COURT

By: Messrs. A. Galay
Deputy Clerk

Seal of the U.S. Bankruptcy Court]

Date of issuance: April 27, 1989

RECORDED Vol. II
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This Execution Returned Unsatisfied -
Gene Cavanaugh
Shelby Co. Sheriff.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:	:	CASE NO. X-87-00352-F
	:	(Chapter 11)
DONALD AARON CORY and	:	
MARDELL CHRYSTELL CORY,	:	
	:	
Debtors.	:	

WRIT OF EXECUTION

TO: SHERIFF OF SHELBY COUNTY, IOWA

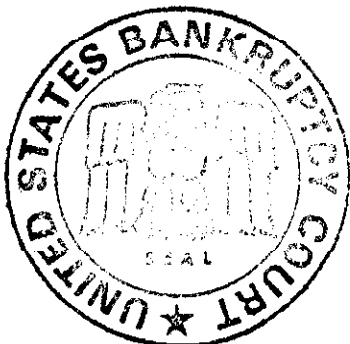
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You are further commanded to return this Writ with endorsement thereon showing the manner of your compliance with its terms, together with proceeds from the execution sale or sales, by 70 days from the date hereof.



[Seal of the U.S. Bankruptcy Court]

BARBARA A. EVERLY
CLERK OF BANKRUPTCY COURT

By: Theresa A. Goley
Deputy Clerk

Date of issuance: June 23, 1989

RECORDED: Vol II
Page 118

original mailed to probate 2/2/90 22 59 mg

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

JUN 23 1989

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

BARBARA A. EVERLY, CLERK

IN RE:	:	CASE NO. X-87-00352-F
	:	(Chapter 11)
DONALD AARON CORY and	:	
MARDELL CHRYSTELL CORY,	:	
	:	PRAECIPE FOR EXECUTION
Debtors.	:	AND LEVY

TO: CLERK, UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN
DISTRICT OF IOWA

Please issue a Writ of Execution to the Sheriff of Shelby
County, Iowa, for levy upon and sale or assignment of all
rights, title and/or interest of George R. Remer in certain
personalty more particularly described as a chose in action,
which action is in the Iowa District Court for Shelby County
and captioned as follows:

George R. Remer, Plaintiff, The Federal Land Bank of
Omaha, Brad Rohlfson, Rodney P. Kubat and Whitfield,
Musgrave, Selvy, Kelly & Eddy, a/k/a Whitfield, Musgrave &
Eddy Law Firm, Defendants, Law No. 16271.

The Writ of Execution is to be issued pursuant to § 626.21,
Code of Iowa (1987) and related statutes and rules of procedure
of the State of Iowa for executions, as well as pursuant to
Bankruptcy Rules 7064, 7069, and 9014, and pursuant to a
judgment entered in the action herein, on March 8, 1989,
pursuant to the Memorandum Decision and Order regarding
sanctions by the Honorable William L. Edmonds, U.S. Bankruptcy

Judge, against George R. Remer in the amount of \$593.75 in favor of Federal Land Bank of Omaha, n/k/a Farm Credit Bank of Omaha.

WHITFIELD, MUSGRAVE & EDDY
1300 First Interstate Bank Bldg.
Des Moines, Iowa 50309
Telephone: (515) 288-6041

By: Thomas H. Burke
Thomas H. Burke

ATTORNEYS FOR CREDITOR, FEDERAL
LAND BANK OF OMAHA

RECORDED: Vol II
Page 118

Copy mailed to
filing attorney *my*
JUN 23 1989

FEDERAL EXPRESS

AIRBILL

USE THIS AIRBILL FOR DOMESTIC SHIPMENTS WITHIN THE CONTINENTAL U.S.A., ALASKA AND HAWAII.
USE THE INTERNATIONAL AIRWAYBILL FOR SHIPMENTS TO PUERTO RICO.
QUESTIONS? CALL 800-238-3585 TOLL FREE.

PACKAGE TRACKING NUMBER

3483707802

3483707802

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

RECIPIENT'S COPY

AUG 17 1989

From (Your Name) Please Print George R. Remer		Your Phone Number (Very Important) 843-3000		To (Recipient's Name) Please Print Clerk of Bankruptcy Court		Recipient's Phone Number (Very Important)	
Company Remer Law Firm		Department/Floor No. EVERLY, CLERK		Company Federal Building		Department/Floor No.	
Street Address 652 7th Ave SE				Exact Street Address (We Cannot Deliver to P.O. Boxes or P.O. Zip Codes.) 101 1st Street SE			
City Lawrence, Ia.		State IA		City Cedar Rapids, Iowa		State IA	
ZIP Required 51031				ZIP Required 52401			

YOUR BILLING REFERENCE INFORMATION (FIRST 24 CHARACTERS WILL APPEAR ON INVOICE.)				IF HOLD FOR PICK-UP, Print FEDEX Address Here			
PAYMENT <input type="checkbox"/> Bill Sender <input type="checkbox"/> Bill Recipient's FedEx Acct. No. <input type="checkbox"/> Bill 3rd Party FedEx Acct. No. <input type="checkbox"/> Bill Credit Card <input checked="" type="checkbox"/> PAID				Street Address City State ZIP Required			
SERVICES 1 <input type="checkbox"/> PRIORITY Overnight Delivery 2 <input type="checkbox"/> COURIER-PAK Overnight Envelope 3 <input type="checkbox"/> OVERNIGHT 4 <input type="checkbox"/> 2-DAY 5 <input type="checkbox"/> STANDARD Air Delivery not later than second business day *Declared Value Limit \$100.		DELIVERY AND SPECIAL HANDLING 1 <input type="checkbox"/> HOLD FOR PICK-UP (Fill in Box H) 2 <input checked="" type="checkbox"/> DELIVER WEEKDAY 3 <input type="checkbox"/> DELIVER SATURDAY (Extra charge) 4 <input type="checkbox"/> DANGEROUS GOODS (Extra charge) 5 <input type="checkbox"/> CONSTANT SURVEILLANCE SERVICE (CSS) (Extra charge) (Release Signature Not Applicable) 6 <input type="checkbox"/> DAY ICE Lbs. 7 <input type="checkbox"/> OTHER SPECIAL SERVICE 8 <input type="checkbox"/> SATURDAY PICK-UP (Extra charge) 9 <input type="checkbox"/> HOLIDAY DELIVERY (If offered) (Extra charge)		PACKAGES WEIGHT IN POUNDS ONLY VOLUME DIMENSIONS Total Total Total Received At 1 <input type="checkbox"/> Regular Stop 2 <input type="checkbox"/> On-Call Stop 3 <input type="checkbox"/> Drop Box 4 <input type="checkbox"/> B.S.C. 5 <input type="checkbox"/> Station FEDEX Corp. Employee Date/Time for FEDEX Use 8/17/89		EMPLOYEE Emp. No. Date <input type="checkbox"/> Cash Received <input type="checkbox"/> Return Shipment <input type="checkbox"/> Third Party <input type="checkbox"/> Chg. To Del. <input type="checkbox"/> Chg. To Hold Street Address City State Zip Received By: cash Date/Time Received FedEx Employee Number Sender authorizes Federal Express to deliver this shipment without obtaining a delivery signature and shall indemnify and hold harmless Federal Express from any claims resulting therefrom. Release Signature:	

X-87-00352F

110	593.75
TOTAL	593.75

Account Code	Description
110	Deposit Fund
250	Registry Fund
330	Filing Fee
350	Copy Fees
360	Miscellaneous Fees
365	Noticing Fees
370	Interest Deposits to U.S.
380	Recovery - Court Costs
400	Crime Victims Fund
425	U.S. Trustee System Fund
460	Forfeitures of Unclaimed Money
X600	Unclaimed Money

Checks and drafts are accepted subject to collection and full credit will only be given when the check or draft has been accepted by the financial institution on which it was drawn.

DATE 8-18-89	Cash	Check	M.O. X
------------------------	------	-------	------------------

DEPUTY CLERK

Judgment
Vol. II, Pg. 118

Standard Form No. 1166
September 1973
4 Treasury FRM 2000
1166-132

VOUCHER AND SCHEDULE OF PAYMENTS

U. S. BANKRUPTCY COURT
(DEPARTMENT OR ESTABLISHMENT)

Schedule No. 245

Sheet 1 of 1

BUREAU OR OFFICE NORTHERN DISTRICT OF IOWA	
LOCATION OF TRANSMITTING OFFICE CEDAR RAPIDS, IOWA	AGENCY STATION NO. 8629
APPROPRIATION SUMMARY CAN 110 - \$593.75	

PAID BY

VOUCHER NO.	PAYEE, AND IF NECESSARY, ADDRESS, INVOICE NO. OR OTHER IDENTIFICATION	AMOUNT	D. O. CHECK NO.
	<p>FEDERAL LAND BANK OF OMAHA c/o Thomas H. Burke Attorney at Law 1300 First Interstate Bank Bldg. Des Moines, IA 50309</p> <p>Funds received 8/18/89 from George Remer in payment of judgment entered 3/8/89 in re CORY, No. X87-00352F, and recorded Vol. II, Page 118.</p>	593.75	
GRAND TOTAL		593.75	

Pursuant to authority vested in me, I certify that the items listed herein are correct and proper for payment from the appropriation(s) designated hereon or on supporting vouchers.

8/21/89

(Date)

Theresa M. Kula / Deputy Clerk
(Authorized certifying officer)

Vol.
Pg.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

RECEIVED

1989 JUL -3 PM 2:00

IN RE: : CASE NO. X-87-00352-F
: (Chapter 11)
DONALD AARON CORY and :
MARDELL CHRYSTELL CORY, :
Debtors. :
:

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

SEP 05 1989

WRIT OF EXECUTION

BARBARA A. EVERLY, CLERK

TO: SHERIFF OF SHELBY COUNTY, IOWA

On the 8th day of March, 1989, a judgment was rendered in this action that Federal Land Bank of Omaha, n/k/a Farm Credit Bank of Omaha, shall recover from George R. Remer, the sum of \$593.75. The judgment was duly entered and docketed in the records of the Clerk of this Court on the 8th day of March, 1989, but no part of the judgment, interest thereon, or cost has been paid or satisfied.

Therefore, you are hereby commanded to levy, without delay, upon the personal property of the Defendant, George R. Remer, as described below, and expose such property to execution sale to ensure enforcement of the judgment as is necessary to satisfy the judgment in the amount of \$593.75, accrued interest thereon, costs of suit, and your execution cost and expenses. Property for which levy and sale or assignment should be had is described as follows:

All rights, title and/or interest of George R. Remer in certain personalty more particularly described as a chose in action, which action is in the Iowa District Court for Shelby County and captioned as: George R. Remer, Plaintiff, The Federal Land Bank of Omaha, Brad Rohlfson, Rodney P. Kubat and Whitfield, Musgrave, Selvy, Kelly & Eddy, a/k/a Whitfield, Musgrave & Eddy Law Firm, Defendants, Law No. 16271. See also attached Praeceptum for Execution and Levy.

If such property is insufficient to satisfy the aforementioned amounts due from the Defendant, George R. Remer, you are further commanded to subject to execution sale sufficient of the Defendant's other nonexempt personal property situated in your jurisdiction as may be necessary to satisfy the remaining balance, and if such personal property is insufficient, then you are commanded to satisfy any final balance by levy on and sale of sufficient of the Defendant's remaining nonexempt real property situated within your jurisdiction.

You are further commanded to return this Writ with endorsement thereon showing the manner of your compliance with its terms, together with proceeds from the execution sale or sales, by 70 days from the date hereof.



BARBARA A. EVERLY
CLERK OF BANKRUPTCY COURT

By: Miriam A. Balay
Deputy Clerk

[Seal of the U.S. Bankruptcy Court]

Date of issuance: June 23, 1989

RECORDED: Vol II
Page 118

Sale scheduled for Aug 21, 1989, 10:00 A.M. Sale was
NOT held - Defendant Remer filed judgment to Bankruptcy
Court in Cedar Rapids To Satisfy the judgment.
Gene Casenaf
Shelby County Sheriff.

RECEIVED

1989 JUL -3 11 9:31

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

JUN 23 1989

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

BARBARA A. EVERLY, CLERK

IN RE: : CASE NO. X-87-00352-F
: (Chapter 11)
DONALD AARON CORY and :
MARDELL CHRYSTELL CORY, :
: PRAECIPE FOR EXECUTION
Debtors. : AND LEVY

TO: CLERK, UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN
DISTRICT OF IOWA

Please issue a Writ of Execution to the Sheriff of Shelby County, Iowa, for levy upon and sale or assignment of all rights, title and/or interest of George R. Remer in certain personalty more particularly described as a chose in action, which action is in the Iowa District Court for Shelby County and captioned as follows:

George R. Remer, Plaintiff, The Federal Land Bank of Omaha, Brad Rohlfson, Rodney P. Kubat and Whitfield, Musgrave, Selvy, Kelly & Eddy, a/k/a Whitfield, Musgrave & Eddy Law Firm, Defendants, Law No. 16271.

The Writ of Execution is to be issued pursuant to § 626.21, Code of Iowa (1987) and related statutes and rules of procedure of the State of Iowa for executions, as well as pursuant to Bankruptcy Rules 7064, 7069, and 9014, and pursuant to a judgment entered in the action herein, on March 8, 1989, pursuant to the Memorandum Decision and Order regarding sanctions by the Honorable William L. Edmonds, U.S. Bankruptcy

Judge, against George R. Remer in the amount of \$593.75 in favor of Federal Land Bank of Omaha, n/k/a Farm Credit Bank of Omaha.

WHITFIELD, MUSGRAVE & EDDY
1300 First Interstate Bank Bldg.
Des Moines, Iowa 50309
Telephone: (515) 288-6041

By: Thomas H. Burke
Thomas H. Burke

ATTORNEYS FOR CREDITOR, FEDERAL
LAND BANK OF OMAHA

RECORDED: Vol II
Page 118

Copy mailed to
Miss Thompson
JUN 23 1989

NOTICE TO DEFENDANT OF LEVY

STATE OF IOWA, }
Shelby County, } ss.

To Whom It May Concern

TO Shannon Goesser, Clerk of the District Court, Shelby County, Iowa
George R. Remer, 650 7th Ave. SE., Lemars, Iowa 51031

You are hereby notified by virtue of an Writ of Execution to
me directed, issued out of the Clerk's office of the United States Bankruptcy Court, Northern Dist
Linn county, in favor of
Federal Land Bank of Omaha, n/k/a Farm Credit Bank of Omaha
and against George R. Remer

for the sum of \$ 593.75 debt, and \$ Sheriff's cost, I did
on the 3rd day of July, 1989, at 2:00 o'clock P.M.,
levy upon the following described personal property, to-wit:

All rights, title and/or interest of George R. Remer in certain personality
more particularly described as a chose in action, which action is in the Iowa
District Court for Shelby County and captioned as: George R. Remer, Plaintiff,
The Federal Land Bank of Omaha, Brad Rohlfson, Rodney P. Kubat and Whitfield,
Musgrave, Selvy, Kelly & Eddy, a/k/a Whitfield, Musgrave & Eddy Law Firm,
Defendants, Law No. 16271.

and of this levy you will take due notice and govern yourself accordingly.

Dated this 3rd day of July, 1989.
By Deputy Sheriff of Shelby County, Iowa

Received day of 19, of
Sheriff, the above described property to care and
custody until further orders of the sheriff.

Custodian

STATE OF IOWA		Bankruptcy	
Shelby COUNTY		Iowa District Court, Northern Dis	
} ss.		COURT CASE #X-87-00352-F	
PLAINTIFF Federal Land Bank of Omaha, n/k/a Farm Credit Bank of Omaha		Linn COUNTY	
VS		<input type="checkbox"/> Special Execution <input type="checkbox"/> General Execution <input checked="" type="checkbox"/> Other Writ of Execution	
DEFENDANT (Judgment Debtor)			
George R. Remer			
As a result of the judgment rendered in the above referenced court case, an execution was issued by the court to the Sheriff of this county. The execution ordered the sale of defendant(s)		<input type="checkbox"/> REAL ESTATE <input checked="" type="checkbox"/> PERSONAL PROPERTY <input type="checkbox"/> described below: <input type="checkbox"/> on attached sheet:	
to satisfy the judgment. The property to be sold is			
All rights, title and/or interest of George R. Remer in certain personality more particularly described as a chose in action, which action is in the Iowa District Court for Shelby County and captioned as: George R. Remer, Plaintiff, The Federal Land Bank of Omaha, Brad Rohlfson, Rodney P. Kubat and Whitfield, Musgrave, Selvy, Kelly & Eddy, a/k/a Whitfield, Musgrave & Eddy Law Firm, Defendants, Law No. 16271.			
The described property will be offered for sale at public auction for cash only as follows:			
Date of Sale Aug 21, 1989	Time of Sale 10:00 AM	Place of Sale North Steps of the Shelby County Courthouse, Harlan, Iowa	
<input type="checkbox"/> Homestead: Defendant is advised that if the described real estate includes the homestead (which must not exceed 1/2 Acre if within a city or town plat, or, if rural, must not exceed 40 Acres), defendant must file a homestead plat with the Sheriff within ten (10) days after service of this notice, or the Sheriff will have it platted and charge the costs to this case.			
<input type="checkbox"/> Redemption: After sale of real estate, defendant may redeem the property within _____.			
<input type="checkbox"/> This sale not subject to redemption.			
<input checked="" type="checkbox"/> Property exemption: Certain money or property may be exempt. Contact your attorney promptly to review specific provisions of the law and file appropriate notice, if acceptable.			
Judgment Amount \$ 593.75	Costs \$	Accruing Costs	Interest % from
Date July 3, 1989	Sheriff <u>Gene Casenafi</u> Shelby County, Iowa		Deputy
			Attorney Gary A. Norton

NOTICE OF SHERIFF'S LEVY & SALE

STATE OF IOWA

Shelby COUNTY } ss.

Person(s) served:

Shelby Co. Clerk of Court, George R. Remer

Location of Service:

Shelby Co. Courthouse, Plymouth Co, Iowa

Date and Time of Service

July 3, 89 2 P.m., July 7, 89

By Sheriff Gene Casenach

Deputy Dennis Osterbrun

☒ Posted notice at three public places in above county, one of which was at the place where the last District Court was held.

Date July 24, 1989

By Sheriff Gene Casenach

☐ Debtor not in possession of real estate listed on reverse side.

Date property viewed _____ By _____

☒ Published in Herkon Tribune Aug 8, Aug 15, 89

☐ Encumbrance Book Entry: Date _____ Docket _____
Page _____
By _____

☐ Served Defendant(s) Copy of "Notice of Exempt Property" and "Request for Hearing on Whether Property is Exempt" form.

Fees:

Service
Copies
Posting
Mileage
Publication
Appraisal
Storage
Hauling
Inventory

Total

Sheriff Gene Calmough

P.O. Box 308

Harlan IA 51537

HARLAN NEWSPAPERS

Harlan Tribune - Tuesday in 6,000 homes

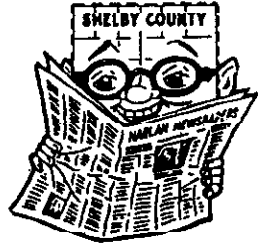
News-Advertiser - Friday in 6,000 homes

PennySaver/Shopper - Wednesday in 10,300 homes

P.O. Box 721, 1114 7th Street
Harlan, Iowa 51537 (712) 755-3111

WINNERS OF 160 NATIONAL &
STATE AWARDS SINCE 1940
WEEKLY CIRCULATION REACHING
MORE THAN 16,000 HOMES

- Newspaper Publishers
- Custom Printing
- Office Furniture
- KIS Color Photo Processing
- Central Printing Plant
- Cable Channel 12 News
- Office Supplies



August 15, 1989

Our "ADVERTISING ECONOMY RATE" offers 40% OFF on ads that are run again...2 full page ads in the Harlan Newspapers costs less than sending a postcard to every subscriber. Buy a classified ad for two weeks, get the third week FREE.

8/8	Legal - NOTICE of Sheriff's LEVY and SALE	59 l 1 pr	21.06
8/15	(George R. Remer)		

Sheriff Gene Calmough

P.O. Box 308

Harlan, IA 51537

HARLAN NEWSPAPERS

Harlan Tribune - Wednesday in 6,000 homes

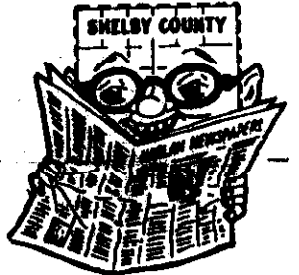
News-Advertiser - Saturday in 6,000 homes

PennySaver/Shopper - Wednesday in 9,000 homes

Box 721, 1114 7th Street
Harlan, Iowa 51537 (712) 755-3111

WINNERS OF 148 NATIONAL & STATE AWARDS SINCE 1940
WEEKLY CIRCULATION REACHING MORE THAN 15,000 HOMES

- Newspaper Publishers
- Custom Printing
- Office Furniture
- KIS Color Photo Processing
- Central Printing Plant
- Cable Channel 12 News
- Office Supplies



Our "ADVERTISING ECONOMY RATE" offers 40% OFF on ads that are run again -- 2 full page ads in the Harlan Newspapers costs less than sending a postcard to every subscriber. Buy a classified ad for two weeks, get the third week FREE.

9/13	Legal - Sheriff's Levy & Sale - Federal Land Bank + George R. Remer	50 June pr	11.90

Proof of publication already sent -
notice only run one time.

RETURN OF SERVICE

Iowa Official Form No. 540-F

Form No. 343A

BBB

STATE OF IOWA, Plymouth County, Iowa, ss. **PERSONAL SERVICE**
Notice and letter and writ
The within notice received this 6th day of July, 1989, and I certify that I served the same on the defendants named below by delivering a copy thereof to each of said defendants personally at the time and place set opposite their respective names:

Name of Defendants	Month	Day	Year	City, Town or Township	County	State
<u>George R. Remer</u>	<u>7</u>	<u>7</u>	<u>89</u>	<u>America</u>	<u>Plymouth</u>	<u>Iowa</u>
Service.....\$ <u>10.00</u>						
Mileage..... <u>3.00</u>						

TIME: _____

Dave Stock Sheriff
Official Title
Dennis Osterbuhr Deputy Sheriff
SUBSTITUTED SERVICE — Dwelling House

STATE OF IOWA, _____ County, Iowa, ss.

The within notice received this _____ day of _____, 19____, and I certify that on the _____ day of _____, 19____, I served the same on the defendant _____ at his dwelling house or usual place of abode in the City, Town or Township of _____ in _____ County, State of Iowa, and which place was not a rooming house, hotel, club or apartment building, by there delivering a copy thereof to _____, a person residing therein who was then at least eighteen years old.

Official Title

STATE OF IOWA, _____ County, Iowa, ss. **SUBSTITUTED SERVICE — Hotel or Boarding House**

The within notice received this _____ day of _____, 19____, and I certify that on the _____ day of _____, 19____, I served the same on the defendant _____ at his dwelling house or usual place of abode in the City, Town or Township of _____ in _____ County, State of Iowa, by there delivering a copy thereof to _____, a person residing therein who was then at least 18 years old. That such place was a rooming house, hotel, club or apartment building (1), and the person to whom the copy was delivered was _____ (2).

Official Title

(1) Strike out words that are not appropriate.

(2) Insert "a member of defendant's family" or "the manager, clerk, proprietor or custodian of such place" as may properly state the facts.

BBB

STATE OF IOWA

Shelby

COUNTY

ss.

NOTICE OF SHERIFF'S LEVY
AND SALE

Bankruptcy

Iowa District Court, Northern Dist
COURT CASE #K-87-00352-F
Linn COUNTY

PLAINTIFF Federal Land Bank of Omaha, n/k/a
Farm Credit Bank of Omaha

VS

DEFENDANT (Judgment Debtor)

George R. Remer

- ☐ Special Execution
☐ General Execution
☒ Other Writ of Execution

As a result of the judgment rendered in the above referenced court case, an execution was issued by the court to the Sheriff of this county. The execution ordered the sale of defendant(s)

to satisfy the judgment. The property to be sold is

- ☐ REAL ESTATE
☒ PERSONAL PROPERTY
☐ described below:
☐ on attached sheet:

All rights, title and/or interest of George R. Remer in certain personality more particularly described as a chose in action, which action is in the Iowa District Court for Shelby County and captioned as: George R. Remer, Plaintiff, The Federal Land Bank of Omaha, Brad Rohlfson, Rodney P. Kubat and Whitfield, Musgrave, Selvy, Kelly & Eddy, a/k/a Whitfield, Musgrave & Eddy Law Firm, Defendants, Law No. 16271.

The described property will be offered for sale at public auction for cash only as follows:

Date of Sale Aug 21, 1989	Time of Sale 10:00 AM	Place of Sale North Steps of the Shelby County Courthouse, Harlan, Iowa
------------------------------	--------------------------	--

- ☐ Homestead: Defendant is advised that if the described real estate includes the homestead (which must not exceed 1/2 Acre if within a city or town plat, or, if rural, must not exceed 40 Acres), defendant must file a homestead plat with the Sheriff within ten (10) days after service of this notice, or the Sheriff will have it platted and charge the costs to this case.
- ☐ Redemption: After sale of real estate, defendant may redeem the property within _____.
- ☐ This sale not subject to redemption.
- ☒ Property exemption: Certain money or property may be exempt. Contact your attorney promptly to review specific provisions of the law and file appropriate notice, if acceptable.

Judgment Amount \$ 593.75	Costs \$	Accruing Costs	Interest % from	Attorney Gary A. Norton
Date July 3, 1989	Sheriff Shelby County, Iowa	Deputy		

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

RECEIVED

1989 JUL -8 11 00 00

IN RE:

DONALD AARON CORY and
MARDELL CHRYSTELL CORY,

Debtors.

CASE NO. X-87-00352-F
(Chapter 11)

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

SEP 05 1989

WRIT OF EXECUTION

BARBARA A. EVERLY, CLERK

TO: SHERIFF OF SHELBY COUNTY, IOWA

On the 8th day of March, 1989, a judgment was rendered in this action that Federal Land Bank of Omaha, n/k/a Farm Credit Bank of Omaha, shall recover from George R. Remer, the sum of \$593.75. The judgment was duly entered and docketed in the records of the Clerk of this Court on the 8th day of March, 1989, but no part of the judgment, interest thereon, or cost has been paid or satisfied.

Therefore, you are hereby commanded to levy, without delay, upon the personal property of the Defendant, George R. Remer, as described below, and expose such property to execution sale to ensure enforcement of the judgment as is necessary to satisfy the judgment in the amount of \$593.75, accrued interest thereon, costs of suit, and your execution cost and expenses. Property for which levy and sale or assignment should be had is described as follows:

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NOTICE TO DEFENDANT OF LEVY

STATE OF IOWA, }
Shelby County, } ss.

To Whom It May Concern

TO Shannon Goesser, Clerk of the District Court, Shelby County, Iowa
George R. Remer, 650 7th Ave. SE., Lemars, Iowa 51031

You are hereby notified by virtue of an Writ of Execution to
United States Bankruptcy Court, Northern Dist
mc directed, issued out of the Clerk's office of the District Court of the State of Iowa, in and for...
Linn county, in favor of
Federal Land Bank of Omaha, n/k/a Farm Credit Bank of Omaha
and against George R. Remer

for the sum of \$ 593.75 debt, and \$ Sheriff's cost, I did
on the 3rd day of July, 19 89, at 2:00 o'clock P.M.,
levy upon the following described personal property, to-wit:

All rights, title and/or interest of George R. Remer in certain personality
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District Court for Shelby County and captioned as: George R. Remer, Plaintiff,
The Federal Land Bank of Omaha, Brad Rohlfson, Rodney P. Kubat and Whitfield,
Musgrave, Selvy, Kelly & Eddy, a/k/a Whitfield, Musgrave & Eddy Law Firm,
Defendants, Law No. 16271.

and of this levy you will take due notice and govern yourself accordingly.

Dated this 3rd day of July, 1989.

By Deputy Sheriff of Shelby County, Iowa

Received day of 19, of
Sheriff, the above described property to care and
custody until further orders of the sheriff.

Custodian

CRIME STOPPERS
1-800-432-0691

OFFICE PHONE 755-5026

RESIDENCE PHONE 755-5393

GENE CAVENAUGH, SHERIFF



MARK HERVEY, CHIEF DEPUTY
JOHN KELLY, DEPUTY
BRAD McQUEEN, DEPUTY
GLENYCE WENDELIN, SFC

July 3, 1989

HARLAN, IOWA 51537

George R. Remer
650 7th Ave. SE
LeMars, Iowa 51031

Dear Mr. Remer:

I received a Writ of Execution issued out of the United States Bankruptcy Court for the Northern District of Iowa. On July 3, 1989, I levied on the property the Praecipe for Execution directed me to. (See attached). I have set this down for a Sheriff's Sale on Aug. 21, 1989, at 10:00 a.m. (See Sheriff's Sale Notice).

You, as defendant, have the right to appoint an appraiser to appraise the property to be sold. The same opportunity is afforded to the plaintiff. I am asking that you notify me as to your choice of an appraiser by August 1, 1989.

If you have any questions, please call me at 712-755-5026.

Thanking you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Gene Cavanaugh".

Gene Cavanaugh
Shelby County Sheriff

CRIME STOPPERS
1-800-432-0891

OFFICE PHONE 755-5026

RESIDENCE PHONE 755-5393

GENE CAVENAUGH, SHERIFF



MARK HERVEY, CHIEF DEPUTY
JOHN KELLY, DEPUTY
BRAD McQUEEN, DEPUTY
GLENYCE WENDELIN, SEC.

July 3, 1989

HARLAN, IOWA 51537

George R. Remer
650 7th Ave. SE
LeMars, Iowa 51031

Dear Mr. Remer:

I received a Writ of Execution issued out of the United States Bankruptcy Court for the Northern District of Iowa. On July 3, 1989, I levied on the property the Praecipe for Execution directed me to. (See attached). I have set this down for a Sheriff's Sale on Aug. 21, 1989, at 10:00 a.m. (See Sheriff's Sale Notice).

You, as defendant, have the right to appoint an appraiser to appraise the property to be sold. The same opportunity is afforded to the plaintiff. I am asking that you notify me as to your choice of an appraiser by August 1, 1989.

If you have any questions, please call me at 712-755-5026.

Thanking you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Gene Cavanaugh".

Gene Cavanaugh
Shelby County Sheriff

CRIME STOPPERS
1-800-432-0891

OFFICE PHONE 755-5026

RESIDENCE PHONE 755-5393

GENE CAVENAUGH, SHERIFF



MARK HERVEY, CHIEF DEPUTY
JOHN KELLY, DEPUTY
BRAD McQUEEN, DEPUTY
GLENYCE WENDELIN, SEC.

July 3, 1989

HARLAN, IOWA 51537

Sheriff David Stock
Plymouth County Sheriff
Law Enforcement Center
327 3rd Street S.E.
LeMars, Iowa 51031

Dear Sheriff,

Enclosed is a Notice to Defendant of Levy, Notice of Sheriff's Levy and Sale, letter requesting appraiser be appointed and Writ of Execution to be served on George R. Remer. Mr. Remer's address is 650 7th Ave. S.E., LeMars, Iowa.

After service has been completed, please send me your bill and return of service.

Thanking you in advance for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Gene Cavanaugh". The signature is fluid and stylized, with the first and last names being the most prominent.

Gene Cavanaugh
Shelby County Sheriff

enc.

STATE OF IOWA,	} ss.	SHERIFF'S APPRAISAL	Bankruptcy Iowa District Court, Northern Dist
Shelby COUNTY			COURT CASE #X-87-00352-F Linn COUNTY

PLAINTIFF Federal Land Bank of Omaha, n/k/a
Farm Credit Bank of Omaha

VS.

DEFENDANT George R. Remer



TO: APPRAISERS NAMES

Michael Childs & Richard Schenck

You are notified that you are appointed appraisers to appraise the personal property of the above defendant(s) which was levied upon by the undersigned Sheriff of said County by virtue of a Writ of execution issued out of the Bankruptcy Court, Northern Dist, Iowa County Clerk's Office. You will proceed to appraise all the property listed and set opposite each article the true cash value according to your best judgment. When completed you will sign and certify, and cause the same to be returned immediately to me.

Property List:	Amount	Property List	Amount
	\$0		\$0
All rights, title and /or interest of George R. Remer in certain personality more particularly described as a chose in action, which action is in the Iowa District Court for Shelby County and captioned as: George R. Remer, Plaintiff, The Federal Land Bank of Omaha, Brad Rohlfson, Rodney P. Kubat and Whitfield, Musgrave, Selvy, Kelly & Eddy, a/k/a Whitfield, Musgrave, & Eddy Law Firm, Defendants. Law No. 16271		All rights, title and/or interest of George R Remer in certain personality more particularl described as a chose in action, which action in the Iowa District Court for Shelby County and captioned as: George R. Remer, Plaintiff The Federal Land Bank of Omaha, Brad Rohlfson Rodney P. Kubat and Whitfield, Musgrave, Selvy Kelly & Eddy, a/k/a Whitfield, Musgrave & Edd Law Firm, Defendants. Law No. 16271	

I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the proceeding is true and correct.



APPRAISERS SIGNATURES Appraisal Fee \$20.00

DATE
August 16, 1989

SHERIFF Gene Cavanaugh

DEPUTY

Notice of Sheriff's Levy and Sale

STATE OF IOWA
SHELBY COUNTY ss.
Iowa Bankruptcy Court,
Northern District Court, Case #
87-00000-P, Iowa County
PLAINTIFF: Federal Land Bank
of Omaha, a/k/a, Farm Credit
Bank of Omaha
vs.
DEFENDANT:
(Judgment Debtor)

GEORGE R. REMER

As a result of the judgment
rendered in the above refer-
enced court case, an execution
was issued by the court to the
Sheriff of this county. The exe-
cution ordered the sale of de-
fendant's personal property to
satisfy the judgment. The prop-
erty to be sold is:

All rights, title and/or inter-
est of GEORGE R. REMER in cer-
tain personal property more particu-
larly described as a chose in ac-
tion, which action is in the
Iowa District Court for Shelby

County and captioned as:
GEORGE R. REMER, Plaintiff.
The Federal Land Bank of
Omaha, Brad Robinson, Rodney
P. Kubat and Whitfield,
Mungrave, Selvy, Kelly & Eddy,
a/k/a Whitfield, Mungrave &
Eddy Law Firm, Defendants,
Law No. 16271.

The described property will
be offered for sale at public auc-
tion for cash only as follows:

Date of Sale, Aug. 21, 1989,
time of sale, 10:00 A.M., place of
sale, North Steps of the Shelby
County Courthouse, Harlan,
Iowa.

Property exemption: Certain
money or property may be ex-
empt. Contact your attorney
promptly to review specific
provisions of the law and file
appropriate notice, if accept-
able.

Attorney
GARY A. NORTON
Sheriff

GENE CAVERNAUGH
Shelby County, Iowa

(Publ. Trib., Aug. 8 & 15, 1989)

HARLAN TRIBUNE

PROOF OF PUBLICATION

State of Iowa, Shelby County, ss.

I, of the HARLAN TRIBUNE, a weekly
newspaper, published at Harlan, Shelby County, Iowa,
do solemnly swear that the printed notice hereto
attached was published in said newspaper

2 consecutive weeks as follows:

1st publication on August 8, 1989

2nd publication on August 15, 1989

3rd publication on

4th publication on

5th publication on

Maggie Hatcher
Staff Member

Subscribed and sworn before me by the said —

Maggie Hatcher
this 10 day of Aug 1989

Clerk of the District Court
in and for Shelby County, Iowa

By Steven J. Mores Deputy.

Publication Fees: \$ 21.06

OFFICE PHONE 755-5026

GENE CAVENAUGH, SHERIFF

8/22/89
Bankruptcy Court
Rec 593.25
on 8/18/89 -
by Receipted and
To Mr. Remer
already.

RECEIVED
1989 AUG 16 10 16 AM
SHELBY COUNTY IOWA

RESIDENCE PHONE 755-5393

MARK HERVEY, CHIEF DEPUTY
JOHN KELLY, DEPUTY
BRAD McQUEEN, DEPUTY
GLENYCE WENDELIN, SEC.



July 3, 1989

HARLAN, IOWA 51537

George R. Remer
650 7th Ave. SE
LeMars, Iowa 51031

Dear Mr. Remer:

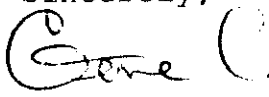
I received a Writ of Execution issued out of the United States Bankruptcy Court for the Northern District of Iowa. On July 3, 1989, I levied on the property the Praecipe for Execution directed me to. (See attached). I have set this down for a Sheriff's Sale on Aug. 21, 1989, at 10:00 a.m. (See Sheriff's Sale Notice).

You, as defendant, have the right to appoint an appraiser to appraise the property to be sold. The same opportunity is afforded to the plaintiff. I am asking that you notify me as to your choice of an appraiser by August 1, 1989.

If you have any questions, please call me at 712-755-5026.

Thanking you for your cooperation.

Sincerely,


Gene Cavanaugh
Shelby County Sheriff

P.S. Also - Bkey
Ct. oris said
they could not
take my print but
I note you, in the writ
were directed to pay sands to
Clark -
Thanks
8-17-89
Here is a copy of
money order mailed express to
Clark, Bkey Ct. to pay this in
full - I know you would
like By the way - I tendant
cash to the Bkey office
in So. City but they
said mail Mo to
cedon Rapids -

1939 AUG 18 11 14 AM '39

PRINTED BY THE STANDARD REGISTER COMPANY, U.S.A. ZIPSET - 1

Receipt and Money Order to Customer
Return Voucher

[illegible]

SHERIFF'S OFFICE
SHELBY COUNTY
HARLAN, IOWA 51537

1213

Aug 28 19 89 72-338
1049

PAY TO THE ORDER OF Harlan Newspaper \$ 32.96
thirty - Two and 96/100 DOLLAR

THE HARLAN NATIONAL BANK
HARLAN, IOWA

MEMO Publication Remun Gene Casenauer

⑆104903388⑆ 114 698 4⑈ 1213

SHERIFF'S OFFICE
SHELBY COUNTY
HARLAN, IOWA 51537

1214

Aug 28 19 89 72-338
1049

PAY TO THE ORDER OF Plymouth Co. Sheriff \$ 13.00
thirteen DOLLAR

THE HARLAN NATIONAL BANK
HARLAN, IOWA

MEMO George R. man gls

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

SEP 05 1989

⑆104903388⑆

SHI
S
HARLAN, IOWA 51537

BARBARA A. EVERLY, CLERK

1215

Aug 28 19 89 72-338
1049

PAY TO THE ORDER OF Michael Childs \$ 10.00
Ten and 00/100 DOLLAR

THE HARLAN NATIONAL BANK
HARLAN, IOWA

MEMO Remun appraisal Gene Casenauer

⑆104903388⑆ 114 698 4⑈ 1215

SHERIFF'S OFFICE
SHELBY COUNTY
HARLAN, IOWA 51537

1216

Aug 28 19 89 72-338
1049

PAY TO THE ORDER OF Richard Schenk \$ 10.00
Ten and 00/100 DOLLAR

THE HARLAN NATIONAL BANK
HARLAN, IOWA

MEMO Remun appraisal Gene Casenauer

⑆104903388⑆ 114 698 4⑈ 1216

WHITFIELD, MUSGRAVE & EDDY

ATTORNEYS AND COUNSELORS AT LAW

1300 FIRST INTERSTATE BANK BUILDING

DES MOINES, IOWA 50309

(515) 288-6041

ALLEN WHITFIELD
(515) 288-1984

1989 JUL -8 10 30

FAX
(515) 246-1474

June 28, 1989

REFER OUR FILE NUMBER:

37,558

JOHN C. EDDY
HARLEY A. WHITFIELD
ROY W. MEADOWS
A. ROGER WITKE
DEAN DUTTON
GARY GATELY
TIMOTHY J. WALKER
DAVID L. PHIPPS
BENJAMIN B. ULLEM
ROBERT M. KREAMER
ROBERT L. FANTER
MARSHALL J. HUNZELMAN
ROBERT KOOP JOHNSON
BERNARD L. SPAETH, JR.
RODNEY P. KUBAT
WILLIAM L. FAIRBANK
JAKI K. SAMUELSON
KEVIN M. REYNOLDS
THOMAS H. BURKE
THOMAS HENDERSON
MEGAN M. ANTENUCCI
WENDY CARLSON
GARY A. NORTON
MARK V. HANSON
ROBERT J. BLINK
NEIL J. FRUIT II
MAUREEN ROACH TOBIN

Mr. Gene Cavanaugh
Shelby County Sheriff
Shelby County Courthouse
Harlan, Iowa 51537

RE: Writ of Execution from the Clerk of the United States
Bankruptcy Court for the Northern District of Iowa,
Bankruptcy No. X-87-00352-F/George R. Remer

Dear Sheriff Cavanaugh:

Please find enclosed an original and one copy of a Writ of Execution which is issued by the Clerk of the United States Bankruptcy Court for the Northern District of Iowa in the above-referenced matter with a date of issuance of June 23, 1989. A copy of the Praecipe for Execution and Levy is attached to the Writ.

Please proceed to carry out execution and levy and sale on the personal property cause of action described in the writ. Presumably there will be sufficient time in which to provide personal service of the notice of levy and sale to the defendant, Mr. Remer, as well as obtain the necessary appraisal or delivery of appraisal request.

I request that you return the extra copy of the writ enclosed with a stamp of the day received in the enclosed, stamped, self-addressed envelope. I also request to receive copies of all notices of levy and sale and other documents issued by your office with respect to this matter. Should you have any

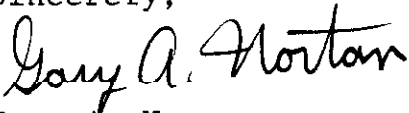
WHITFIELD, MUSGRAVE & EDDY
ATTORNEYS AND COUNSELORS AT LAW

June 28, 1989
Page 2

RECEIVED
1989 JUL -8 11 30

difficulties or comments with respect to the above matters,
please feel free to contact me. I look forward to hearing from
you in the near future.

Sincerely,



Gary A. Norton

GAN:sr

cc: Kevin Klemesrud/enc.
James Shapley/enc.
Tom Lehan

VOUCHER AND SCHEDULE OF PAYMENTS

(MEMORANDUM)
245

U. S. BANKRUPTCY COURT

Schedule No.

1

Sheet 1 of

BUREAU OR OFFICE NORTHERN DISTRICT OF IOWA		PAID BY PAID BY DO SYMBOL 5697 SEP 12 1988
LOCATION OF TRANSMITTING OFFICE CEDAR RAPIDS, IOWA	AGENCY STATION NO. 8629	
APPROPRIATION SUMMARY CAN 110 - \$593.75		

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA
OCT 10 1989**BARBARA A. EVERLY, CLERK**

VOUCHER NO.	PAYEE, AND IF NECESSARY, ADDRESS, INVOICE NO. OR OTHER IDENTIFICATION	AMOUNT	D. O. CHECK NO.
	FEDERAL LAND BANK OF OMAHA c/o Thomas H. Burke Attorney at Law 1300 First Interstate Bank Bldg. Des Moines, IA 50309 Funds received 8/18/89 from George Remer in payment of judgment entered 3/8/89 in re CORY, No. X87-00352F, and recorded Vol. II, Page 118.	593.75	
MEMORANDUM		GRAND TOTAL	593.75

8/21/89

(Date)

Theresa M. Kula / Deputy Clerk
(Authorized certifying officer)**VOL. II**
Pg. 118